

REMARKS/ARGUMENTS

Claims 17-20 remain in the application. Claims 17 and 18 have been amended.

Claim 18 is objected to and has been amended as suggested.

Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for various reasons. Claim 17 has been accordingly been amended to clarify the recitation of those features of the claim which were considered to be indefinite by the Examiner.

Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIlwraith (U.S. -RE34,393) in view of Hampel (U.S. 6,418,672). Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIlwraith in view of Hampel and further in view of Brown (U.S. 6,240,703). Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Benthem et al. (U.S. 6,350,000) in view of McIlwraith and Hampel. In response, the applicants have reviewed the previously recited references, along with the newly cited references, and believe that the claims are patentably distinctive thereover for the reasons to be discussed hereinafter.

The present invention relates to an air handling unit having a plurality of panels disposed in openings in a series of interconnected frames. Each of the frames has a pair of opposed side pieces, and each panel has front and back covers which are interconnected at their ends by perimeter members, with the space between the covers being filled with a foam material. The panel is connected to a side piece by living hinge at its one end and by a latch interfacing with another piece at its other end. In one embodiment, the living hinge is integrally formed with a panel perimeter member.

The Van Benthem and Hampel references were discussed in the earlier communications with the Patent Office. Suffice it to say, the Examiner agrees that Van Benthem does not show a) the seals to be affixed to the side pieces (claim 17), b) a living hinge connected to a panel and a end piece of a frame (claim 17) which defines an edge extrusion integrally connected to the panel, a mounting flange connected to the end piece and a hinge portion therebetween (claim 19); and c) a latching means (claim 17). Further, although Hampel does refer to the element 206 as a "living hinge" its structure and function } but what is denied does not resemble the structure or function of the living hinge in the present application.
That it is, rather than connecting a panel to a side piece of a frame so that the hinged panel can move between an open position and a closed position within the frame opening", as recited in the applicants claim 17, the Hampel reference serves to interconnect two sections (i.e. door frame portions 202 and 204) of the front wall of a collapsible building, with the two

sections then forming a door frame. The two interconnected sections remain in a fixed position with the hinge not acting as a hinge at all, during the time it is assembled. The hinging effect occurs only during periods in which the building is being assembled or disassembled. The door itself, on the other hand, relates more closely in structure and function to the hinged panel of the present invention. In this regard, it is important to note that the door is mounted to the door frame panel 26 by conventional hinges 48 rather than by living hinges. Thus, if the teaching of Hampel were to be obviously applied to either the Van Benthem or the McIlwraith structure, it would most obviously result in the fastening of a panel to a side piece by a conventional hinge as taught by Hampel.

McIlwraith shows a housing for providing EMI/RFI shielding to electronic components housed therein. The housing includes a plurality of frame members 26 and 27 that define openings that are closed by rectangular panels 12-15. A gasket 40 is placed on the frames 26 and 27 so as to rest against the inner surface of the panels 12-15 when they are placed in position. Rather than being hinged in place, the panels 12-15 are frictionally secured by way of an interaction of a peg 58 with a catch 59.

The Examiner has said that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the unit of McIlwraith '393 with the living hinge, as taught by Hampel '672". The applicants strongly disagree. Since the Hampel reference is not in the field of the applicant's endeavor and since a reference structure of Hampel is not reasonably pertinent to the particular problem with which the applicant was concerned, the Hampel reference is considered to be of non-analogous art. Even if the teachings of Hampel were to be applied to the McIlwraith reference, With the specific structure and function of the living hinge as shown and described in Hampel, the living hinge of Hampel would not obviously be applied to in the manner as recited in the applicant's invention rather, it would most likely result in the panels 12-15 being secured to the frame members by conventional hinges as taught by Hampel.

} Mc Ilwraith's hinge (b)

The Brown reference shows an insulated structure with front doors being mounted at the respective outer sides and having a latch near the central portion thereof. As will be seen if Fig. 2, the doors are not secured by living hinges but rather by conventional hinges. Accordingly, if the features of Brown were incorporated with those of McIlwraith and Hampel, as suggested by the Examiner, again, the panels 12-15 of McIlwraith would most likely be secured by conventional hinges as taught by Brown.

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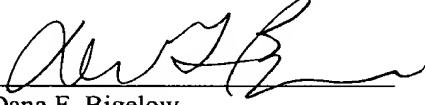
For the reasons discussed hereinabove, the applicants believe that the claims, as amended, are patentably distinctive over the cited reference. A reconsideration of the Examiner's rejections and a passing of the case to issue is therefore respectfully requested.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

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